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SHUMAKER, LOOP & KENDRICK, LLP  
ATTORNEYS AT LAW

BANK OF AMERICA PLAZA, SUITE 2800

101 EAST KENNEDY BOULEVARD

TAMPA, FLORIDA 33602

(813) 229-7600

FAX (813) 229-1660

MAILING ADDRESS:

POST OFFICE BOX 172609

TAMPA, FLORIDA 33672-0609

OTHER OFFICES:  
CHARLOTTE, NC  
COLUMBUS, OH  
TOLEDO, OH

FRANCINE L. HEWES  
(813) 227-2332  
fhewes@slk-law.com

July 20, 2005

**VIA FACSIMILE (703) 872-9306**

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

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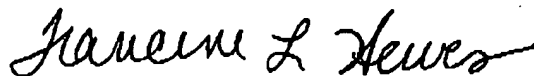
Re: Office Action dated 06/01/2005  
Application No.: 10/717,371  
Filing Date: 11/19/2003  
First Named Inventor: Diane Ghioto  
Examiner: Eric Blount  
Our File No. C45695-091720

Dear Sir or Madam:

Enclosed herewith for applicant, DIANE GHIOTO is a response to the Office Action dated 06/01/2005.

If you have any questions, please call the undersigned at 813-229-7600.

Respectfully submitted,



Francine L. Hewes

FLH

Enclosures

cc: Diane Ghioto  
Michael T. Trocke, Esq.  
J. Todd Timmerman, Esq.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,371	11/19/2003	Diane Ghioto		6722

7590 06/01/2005

Francine L. Hewes, Esq.  
Shumaker, Loop & Kendrick, LLP  
101 E. Kennedy Blvd., Suite 2800  
Tampa, FL 33602

EXAMINER

BLOUNT, ERIC

ART UNIT PAPER NUMBER

2636

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/717,371	GHIOTO, DIANE	
	Examiner	Art Unit	
	Eric M. Blount	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-848)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fons et al [U.S. Patent No. 5617585] in view of Hunt et al [Pub No. US 2003/0213184 A1].

Regarding claims 1-5, Fons discloses a sanitary sock system wherein each sock is fabricated of a tubular knit with a closed end and an open end with an intermediate extent there between, the closed end having a line of closure stitching positionable adjacent to a person's toes and the open end having an elastic band positionable around a person's ankle. Each sock has an elastomeric pad fabricated of an elastomer selected from the class of elastomers including plastic and rubber. The pad is of a generally rectangular configuration with a width less than half the intermediate extent and a length less than the length of the tubular knit and positioned closer to the closed end than the open end. The pads each have an upper face in secure contact by adhesive to the intermediate extent of the tubular knit and a lower face with projections in rows and columns integrally formed with the pad for traction purposes (Figures 1-3 and column 2, line 63-column 3, line63). While Fons does not specifically disclosed that the socks are "one size fits all" it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that the sock could have been

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constructed to fit everyone. Several types of "one size fits all" socks were known in the art at the time of the invention (see U.S. 5,404,657, 6,279,169, 5,575,013, etc).

Providing socks in "one size fits all" is a well-known modification and can be viewed as a matter of design choice. Fons discloses that the socks are to be used in environments where conventional socks would offer little protection against the elements (i.e. outside the home). Fons does not specifically disclose that the socks are to be used during screening at an airport.

Hunt discloses a security checkpoint in an airport that comprises an entrance station for airline passengers to be screened for security purposes. The security checkpoint includes a metal detection station including opposed vertical plates adapted to detect metal there between and to generate a warning signal to an attendant upon a passenger walking between the plates if metal is on the passenger's person but to not generate a warning signal when no metal is detected on the passenger's person. An x-ray detection station is disclosed, including an x-ray camera and a plastic tray moveable beneath the x-ray camera, the tray is adapted to receive the passenger's personal items after the passenger has removed them. Hunt discloses that the passenger removes shoes before walking between the metal plates (paragraphs 10-13). The items in the tray are scanned for the detection of objects, which might be a security risk while the passenger is walking between the plates. Once this process is complete and no alarm has been sounded the passenger exits at the exit station (paragraph 47). It would have been obvious to one of ordinary skill in the art that the passenger dispose of socks in a necessary manner upon retrieving shoes.

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It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the passenger screening system taught by Fons to include the sanitary sock taught by Hunt because the modification would allow passengers' shoes to be screened without passengers having to soil conventional socks walking through the screening checkpoint. Likewise, it would have been obvious to provide the socks for passengers upon entering the passenger screening area. The teachings of the two inventions reasonably appear to meet all of the limitations set forth by the claim as written.

As for claim 6, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that any suitable fiber or material could have been used in fabricating the sock. This can be viewed as a matter of design choice.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references cited but not relied upon disclose either socks and/or security checkpoints. Each reference was useful during the examination of the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount  
Examiner  
Art Unit 2636

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JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

<b>Notice of References Cited</b>	Application/Control No. 10/717,371	Applicant(s)/Patent Under Reexamination GHIOTO, DIANE	
	Examiner Eric M. Blount	Art Unit 2636	Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,617,585 A	04-1997	Fons et al.	2/239
	B	US-2003/0213184 A1	11-2003	Hunt et al.	52/36.1
	C	US-2003/0154625 A1	08-2003	Royle, Stephen	36/7.3
	D	US-5,763,337 A	08-1998	Montgomery, Charles Daniel	442/398
	E	US-4,598,485	07-1986	Joe et al.	36/7.2
	F	US-2005/0057354 A1	03-2005	Jenkins et al.	340/522
	G	US-2004/0098237 A1	05-2004	Pendergraft et al.	703/007
	H	US-6,724,304 B2	04-2004	Risi, Alan J.	340/540
	I	US-6,888,460 B2	05-2005	Ambreffe, Jr., Joseph T.	340/541
	J	US-6,507,278 B1	01-2003	Brunetti et al.	340/541
	K	US-5,404,857 A	04-1995	Honeycutt, Larry W.	36/10
	L	US-5,575,013	11-1996	Krack, Frank G.	2/239
	M	US-6,067,659	05-2000	Reichle, Wayne	2/239

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office  
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 11192003